

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GREGORY ALEXANDER,

Petitioner,

No. 02-CV-74852-DT

vs.

Hon. Gerald E. Rosen

DAVID SMITH,

Respondent.

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ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND GRANTING MOTION FOR
CERTIFICATE OF APPEALABILITY, IN PART

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on March 14, 2007

PRESENT: Honorable Gerald E. Rosen
United States District Judge

This matter is presently before the Court on the Report and Recommendation of U.S. Magistrate Judge Donald A. Scheer, recommending that the Court grant, in part, and deny, in part, Petitioner's motion for a certificate of appealability; and Petitioner having timely filed objections to the R & R; and the Court having reviewed the Magistrate Judge's Report and Recommendation, Petitioner's objections and the entire record of this matter and having determined that the Magistrate Judge's Report and Recommendation should be adopted and that Petitioner's Motion for a Certificate of Appealability should be granted, only in part, as recommended by the Magistrate Judge; and being otherwise fully advised in the premises,

NOW, THEREFORE,

IT IS HEREBY ORDERED that Magistrate Judge Scheer's Report and Recommendation of July 12, 2006 be, and hereby is, ADOPTED by the Court.

IT IS FURTHER ORDERED that, for the reasons stated by the Magistrate Judge, Petitioner's Motion for a Certificate of Appealability is GRANTED, in part, and DENIED, in part. Accordingly,

IT IS FURTHER ORDERED that a Certificate of Appealability be issued as to Petitioner's Claims IV through VIII, XI through XII and the related portions of Claims I and XIII. No COA shall be issued as to Claims I through III.

s/Gerald E. Rosen
Gerald E. Rosen
United States District Judge

Dated: March 14, 2007

I hereby certify that a copy of the foregoing document was served upon counsel of record on March 14, 2007, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry
Case Manager